

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 1094 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

STATE OF GUJARAT

Versus

JAYNTILAL RANJITLAL JAIN

Appearance:

MR DN PATEL, ADDL.PUBLIC PROSECUTOR for Petitioner

MR YATIN SONI, ADVOCATE For respondent - accused

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 28/06/96

ORAL JUDGEMENT

Heard Mr.D.N.Patel, learned A.P.P. for the State and Mr.Yatin Soni, learned Advocate appears for the accused - respondent at the admission stage.

2. The State has preferred this Appeal against the Judgment and order of acquittal dated 26.7.1994 rendered by the learned Chief Judicial Magistrate, Godhara in Criminal Case No.3695 of 1988 filed under Section 7(1)(3) of the Prevention of Food Adulteration Act, 1954.

3. The learned Magistrate has, upon appreciation of evidence, reached the conclusion that there is no case for conviction against the respondent - accused. He has inter alia noted that the sample was retained for a long period of seven months in ordinary room and yet the notice under Section 13(1) of the Act was given for the sake of giving such notice. Reference in this connection has been made by the learned Magistrate to the decision of the Honourable Supreme Court in the case of Municipal Corporation, Delhi V/s. Ghasiram, reported in A.I.R. 1976 SC _____. There are other grounds for recording the acquittal set out by the learned Magistrate.

4. I have gone through the Judgment and order rendered by the ld. Magistrate. I am of the opinion that this petition cannot be entertained. Hence rejected.

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